



January 27, 2025

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VIA ECF

Hon. Gabriel W. Gorenstein
Magistrate Judge
United States District Court
Southern District of New York
United States Courthouse
500 Pearl St.
New York, New York 10007

RE: *Jimenez-Fogarty v. Fogarty, et al.* Case No.: 1:24-CV-8705
Defendants' Joint Letter Seeking Confirmation of 2/7/25 Response Date

Dear Judge Gorenstein:

This firm is counsel to Defendant Nicole DiGiacomo in the above-referenced action. On behalf of all Defendants, we jointly write to request confirmation that Defendants' respective responses to Plaintiff's Amended Complaint are due by **February 7, 2025**.

Plaintiff filed her Amended Complaint on January 17, 2025.¹ (Doc. No. 44). Pursuant to the Court's prior Order issued on December 20, 2024, the Court permitted Defendants twenty-one (21) days, or until January 30, 2025, to respond to Plaintiff's Amended Complaint, which was originally supposed to be filed on January 9, 2025. (*See* Doc. No. 30, p. 2) ("The deadline for all defendants either to file an answer to the amended complaint or to file a letter requesting permission to make a motion to dismiss the amended complaint is hereby extended to the later of: (a) 21 days after the filing of plaintiff's letter indicating that all defendants have been served, (b) January 30, 2025, which is 21 days after the planned filing of the amended complaint, or (c) the last day on which any defendant was required to respond to the complaint by operation of Fed. R. Civ. P. 4(d)(3), if applicable.").

Although the aforementioned directive in the Order pertained to prior filing deadlines, the Defendants believe that the 21-day response rule still applies here. Accordingly, it is Defendants' understanding that their respective responses to Plaintiff's Amended Complaint filed on January

¹ We note that Plaintiff's original deadline to file an Amended Complaint was January 9, 2025 (Doc. No. 30). On January 6, 2025, Plaintiff sought an extension until January 16, 2025 to file the Amended Complaint (Doc. No. 40) which was granted by the Court (Doc. No. 41). However, Plaintiff filed her Amended Complaint a day late, on January 17, 2025, allegedly due to technical issues.



17th would be due 21-days later on **February 7, 2025**. Defendants respectfully request that the Court confirm the above.

Alternatively, in the event that the prior Order does not govern the current filing, we respectfully request and hereby move for an extension, up to and including, **February 7, 2025**.

We thank the Court for its prompt time and attention to this matter. Please let us know should the Court require additional information regarding the foregoing request.

Very truly yours,

/s/ Richard W. Boone Jr.

Richard W. Boone Jr.

Siobhán A. Mueller

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Attorneys for Defendant Nicole DiGiacomo

cc: All Counsel of Record (*Via ECF*)



CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties of record in this case by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: /s/ Richard W. Boone Jr.

Richard W. Boone Jr.

Siobhán A. Mueller

*Attorneys for Defendant Nicole
DiGiacomo*